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REMARKS**Status of Claims:**

Claims 1-5, 7-8 and 10-31 are now pending herein. Claims 6 and 9 have been canceled. Claims 1, 11, 20, 24, 29 and 30 have been amended. Claims 11 and 20 have been amended to depend from Claim 1 (as Claim 9 has been canceled).

Rejection of Claims 1-31 under 35 U.S.C. 112

Claims 1, 11 and 24 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In Claims 1 and 24, the phrase "that is intermediate the elements and the network" was alleged to be unclear. In Claim 11, previously dependent upon Claim 9, the phrase "wherein the if new code" was alleged to be unclear. Claims 2-23 and 25-31 were also rejected under Section 112 for incorporating the deficiencies of their respective base claims.

Claims 1 and 24 have been amended herein to clarify the subject matter which Applicant regards as the invention. The allegedly unclear expression in each of independent Claims 1 and 11 have been amended to recite "intermediate between the elements and the network" and "wherein if new code" respectively. Thus, rejection of Claims 2-8, 9-23 and 25-31 are also believed to be rendered moot based on the foregoing amendments. Reconsideration is respectfully requested.

Rejection of Claims 1-15 and 18-31 under 35 U.S.C. 102(b)

Claims 1-15 and 18-31 were rejected under 35 U.S.C. 102(b) as being anticipated by Monaghan (EP 1 022 699 A2).

Claim 1, as amended herein, is directed to a method for operating a networked group of elements. At least one of the elements on a network with instructions that are located in the element is provided. A proxy interrogates an element to determine whether it has a new code and the proxy is an intermediate between the elements and the network.

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Upon detection a new code in the element, at least some of said instructions is copied to the proxy.

Monaghan is directed to a self-service terminal network. As shown in figure 1, proxy unit 14 is connected to ATMs 16 through the legacy network 18 and a communication link 20 (first communication means), and "the proxy unit 14 is also connected to the manager unit 12 by a TCP/IP network 22" (second communication means) (see Paragraph 15). The proxy unit 14 which "maintains a lookup table 14a correlating each IP address with its associated ATM 16" translates the received message and its address into the proprietary format used by destination network, i.e. the communication link 20 and legacy network 18 (see Paragraphs 17 and 19). Applicant respectfully submits that Monaghan fails to teach or suggest the feature of the proxy recited in amended independent Claim 1, i.e., that the proxy interrogates an element to determine whether it has a new code, and that if a new code is detected in the element, at least some of instructions in the element is copied to the proxy. Monaghan's proxy unit only acts as a *translator* for changing format of the message received suitable to destination's protocol, and does not perform checking the of presence of any new code in the ATM 16 (which is allegedly analogous to Applicant's recited "element"). Moreover, Monaghan's proxy unit 14 does not teach or suggest the copying of any instruction from ATM 16.

For at least the foregoing reasons, it is respectfully submitted that independent Claim 1, as amended herein, is patentable over Monaghan. Independent Claims 24, 29 and 30 also include the above-noted distinguishable limitations of amended independent Claim 1. Claims 2-8, 9-23, 25-28 and 31 are dependent on, and contain all the limitations of, one or the other of Claims 1 and 9, and as such are submitted to be patentable for at least the same reasons as Claims 1 and 9.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the outstanding claim rejections under 35 U.S.C. §102(b).

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Rejections of Claims 16 and 17 under 35 U.S.C. 103(a)

Claims 16 and 17 were rejected under 35 U.S.C. 103(a) as being unpatentable over Monaghan in view of Cohn et al. (US Patent No. 6,064,723, hereinafter "Cohn").


Claims 16 and 17 are dependent upon, and contain all limitations of, independent Claim 1 which, for all of the reasons noted above is believed patentable over the art of record, and, as such, are believed patentable for at least the same reasons.

Applicants submit that Claims 1-8 and 10-31 are presently in condition for allowance, early notification of which is earnestly solicited. Should the Examiner be of the view that an interview would expedite consideration of this Amendment or of the application at large, request is made that the Examiner telephone the Applicant's attorney at (908) 518-7700 in order that any outstanding issues be resolved.

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The Office is authorized to charge any fees required to deposit account number 50-1047.

Respectfully submitted,


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